

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
January 22, 2013

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Zelda Auslander, Council Member
Steve Braasch, Council Member
Bob Dorsett, Jr., Council Member
Bill Goodwin, Council Member
Jack McCool, Mayor Pro Tem

City Staff:

Frank Salvato, City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Katie Griffin, Director of Finance
Lindsey Withrow, Director of Community Services
Giancarlo Patino, City Engineer
Russell Pancoast, Police Chief
Stephen Myrick, Building Official
Daeric Graeber, Systems Analysis

Call to Order and Announce a Quorum is Present

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:05 p.m. on Tuesday, January 22, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

David Sewell, 2305 Rinrock, spoke on behalf of the Lake Travis Youth Association and their plans to move to a new site.

Dean Appling, 13105 Roundtop Circle, spoke about the sale of the Field of Dreams. He asked that the Council follow the Comprehensive Plan.

Carroll Killebrew, 5410 Great Divide, asked questions about the landfill that is abutting the proposed Covert Dealership on Highway 71 West. He stated that multi-family would not be good for the Field of Dreams. He asked the Council to stick with the Comprehensive Plan.

Terri Mitchell, 5400 Great Divide, asked that the Council keep the zoning for the Field of Dreams as public use. She asked the Council to follow the Comprehensive Plan.

Chad Wilbanks, 3805 Kenora Court, thanked the Council for installing the crosswalk on Bee Cave Parkway. He also commented on the Field of Dreams and the sale of the land.

Carlotta McLean, 901 S. Mopac, stated that she was the agent of record for the Field of Dreams property. She talked about the growth of the City.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on January 8, 2013.
- B. Consider approval of monthly financial and investment reports. (December)
- C. Consider action authorizing Library Director to use surplus funds from shelving installation project to purchase signage for inside the library.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the Consent Agenda.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Braasch and Goodwin
Voting Nay:	None
Absent:	None
Abstain:	Council Members Auslander and Dorsett

The motion carried.

Second public hearing on a request for annexation of approximately 35.733 acres legally described as Lot 1, Block A, Morningside Subdivision.

Mayor Murphy called the Public Hearing to order at 6:28 p.m.

There not being anyone who wished to give public testimony on this item, the Mayor closed the public hearing at 6:28 p.m.

No action was taken.

Discuss and consider approving Resolution No. 2013-02, approving a Resolution of the Bee Cave Development Corporation with respect to the issuance of the Bee Cave Development Corporation sales tax revenue bonds, series 2013, and approving other matters related thereto.

Financial Advisor Chris Lane and Bond Counsel Tom Pollan presented the bids that were received for bonds.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Auslander, to approve Resolution No. 2013-02 approving a Resolution of the Bee Cave Development Corporation with respect to the issuance of the sales tax revenue bonds, Series 2013.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on the Audit report for Fiscal Year Ending September 30, 2012.

Paula Lowe with Patillo, Brown & Hill, L.L.P. made a presentation of the audit report and financial statements.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the Audit report and financial statements as presented by Patillo, Brown & Hill.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on a request for two sign variances for Hillcrest Bank.

Building Official Stephen Myrick presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to deny the request for two sign variances for Hillcrest Bank.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander and Goodwin
Voting Nay: Council Members Braasch and Dorsett
Absent: None

The motion carried 3-2

Presentation and discussion on a pre-concept proposal for Bee Cave Crossing, located near the northwest corner of Highway 71 West and RR 620 South.

Bill Walters of Walters Southwest presented a pre-concept proposal for the 16.8 acres at the corner of Highway 71 West and RR 620 South. He stated that the residential component of the proposed project would be confined to a condominium regime. The concept also included retail and restaurant space.

No action was taken on this item.

Presentation and discussion on a pre-concept proposal for Revival, located at 13308 Highway 71 West.

David and Tara Camp presented their pre-concept proposal for Revival Square. He stated that he would like to begin work on a planned development agreement and requested that the property be re-zoned.

No action was taken on this item.

Discuss and consider action on an agreement between the City of Bee Cave and the Economic Development Board for park regulations, operations and funding for the approximately 149 acres of open space and trail.

City Administrator Frank Salvato presented this item. He reviewed the changes made by the Economic Development Board.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Dorsett, to approve the agreement, as amended, between the City of Bee Cave and the Economic Development Board for park regulations, operations and funding for the approximately 149 acres of open space and trail.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None
Abstain: Council Member Auslander

The motion carried.

Discuss and consider action on a Letter of Understanding between the City of Bee Cave and Travis County Constable Precinct 3 for warrant collection.

Police Chief Russell Pancoast presented this item.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Dorsett, to approve the Letter of Understanding between the City of Bee Cave and Travis County Constable Precinct 3 for warrant collection.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on Ordinance No. 136, an ordinance calling a General Election for May 11, 2013.

(Discutir y considerar tomar acción tocante la Ordenanza No. 136, una ordenanza para convocar la Elección General del 11 de Mayo, 2013.)

City Secretary Kaylynn Holloway presented this item.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Dorsett, to approve Ordinance No. 136 as amended.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on a change order and/or contract to provide for sealing of the manufactured stone on City Hall OR consider authorizing staff to amend professional services contracts and obtain bids to remove/replace manufactured stone on City Hall Building.

Mr. Salvato and Council Member Goodwin presented this item.

No action was taken on this item.

Mayor Pro Tem McCool left the meeting at 9:34 p.m.

Discuss and consider action on a final plat, easements by separate instruments, and letter of credit for the property owned by Tim and Brenda Skaggs located next to the Backyard on Bee Cave Parkway at Lot 1, Block A of the Skaggs Tract.

Josh McCay, applicant for Hill Country Indoor, presented this item. His attorney, Eric Visser, was also present to answer questions.

Members of the City Council requested to go into executive session on this item.

Executive Session

The City Council closed the Open Session at 9:52 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

The City Council closed the Executive Session at 10:24 p.m. and reconvened in Regular Session in the Council Chambers.

The City Council continued their discussion on the final plat and letter of credit for the Hill Country Indoor project.

MOTION: A motion was made by Council Member Dorsett, seconded Council Member Braasch, to conditionally approve the final plat with the following two conditions and if these conditions are not met then the plat is not approved: (1) Funding to the city in the amount of \$600,000 for fiscal security will be received in the City's account by 5:00 p.m. on Thursday, January 31st, 2013 prior to the filing of the plat at the County or this conditional approval is of no effect; (2) Prior to filing of the plat and no later than 5:00 p.m. on Thursday, January 31st, 2013, applicant must provide written notification to the City Staff's satisfaction, that the West

Travis County Public Utility Agency has accepted the instrument conveying the wastewater line easements.

The vote was taken on the motion with the following result:

Voting Aye:	Council Members Braasch and Dorsett
Voting Nay:	Council Member Goodwin
Absent:	Mayor Pro Tem McCool
Abstain:	Council Member Auslander

The motion carried 2-1.

Executive Session

The City Council closed the Open Session at 11:27 p.m. to convene in Executive Session in the Conference Room.

Council Member Braasch left the meeting at 11:28 p.m.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. Consultation with Attorney regarding requirements of Open Meeting and Public Information Acts and requirements associated with City of Bee Cave Code of Ethics Ordinance.

The City Council closed the Executive Session at 12:39 a.m. and reconvened in Regular Session in the Council Chambers.

Adjournment

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Goodwin, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye:	Council Members Auslander, Dorsett and Goodwin
Voting Nay:	None
Absent:	Mayor Pro Tem McCool and Council Member Braasch

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The motion carried.

The City Council adjourned the meeting at 12:40 a.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary